

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA

**FILED**

JUN 11 2010

  
CLERK

CENTRAL DIVISION

\*\*\*\*\*

UNITED STATES OF AMERICA,

CR. 10-30014-RAL

Plaintiff,

-vs-

CORRIGENDUM/CLARIFICATION OF  
REPORT AND RECOMMENDATION

JASON TODD GARREAU,

Defendant.

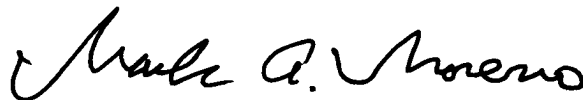
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On June 10, 2010, the Court issued a Report and Recommendation for disposition of Defendant, Jason Todd Garreau's Motion to Suppress Evidence and Statements, Docket No. 29. In its Report, the Court recommended that the suppression motion be denied in all respects. Inasmuch as the motion requested that certain evidence obtained from Defendant on January 5, 2009 be suppressed and not be used at trial for any purpose, the Court's recommendation is technically correct. The Court, however, recommended that the post-arrest inculpatory statement Defendant made to Pierre Police Officer John Wollman, in Highway Patrol Trooper Jon Stahl's patrol car that day, be excluded as substantive evidence because it was elicited in violation of Miranda. To this extent, Defendant succeeded on his motion and the same should be granted. Accordingly, the Court hereby corrects and/or clarifies its prior recommendation to reflect that Defendant's motion should be granted insofar as it seeks to suppress his statement to Wollman at the scene of the stop. In all other respects, Defendant's motion should be denied. The Court also corrects and modifies the Report to afford the Government and Defendant 14 calendar days within which to object to

the Report and Recommendation because both of them prevailed, at least in part, in their respective claims and defenses.

Dated this 11th day of June, 2010, at Pierre, South Dakota.

BY THE COURT:



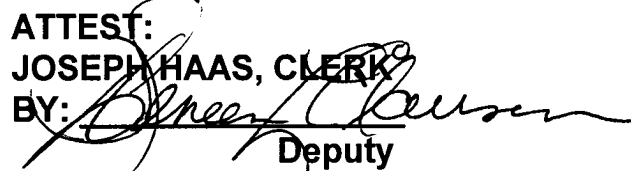
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MARK A. MORENO  
UNITED STATES MAGISTRATE JUDGE

ATTEST:

JOSEPH HAAS, CLERK

BY:



Deputy

(SEAL)